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**Commonwealth of Massachusetts  
Division of Professional Licensure  
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Architectural Access Board**

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**CHARLES BORSTEL**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**THOMAS HOPKINS**  
EXECUTIVE DIRECTOR

**Board Meeting Minutes – January 22, 2018 9:00 a.m.**  
**One Ashburton Place, 21<sup>st</sup> Floor, Conference Room 3**

Present Board Members:

- Walter White, Chairperson (WW)
- David D'Arcangelo, Massachusetts Office on Disability (DD)
- Patricia Mendez, (PM)
- Dawn Guarriello (DG)
- Jane Hardin (JH)
- Harold Rhodes (HR)
- Andrew Bedar (AB)
- Ray Glazier (RG)

Also in Attendance:

- Thomas Hopkins, Executive Director (TH)
- Karen Brann, Program Coordinator/Clerk for the Board (KB)

Board Members not in Attendance:

JH in after lunch.

RG arrived late.

- Meeting began approximately 9:00 a.m.

WW – AB, HR, DG, PM, DD

Incoming Case Review:

1) Somerville High School, 81 Highland Avenue, Somerville (V17-334)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The case was first reviewed on 1/8 and the Board voted to put it in the packets. The petitioner is asking for seven requests. Proposed green line station stairs without access is the biggest

request. TH met with petitioners and they discussed a Board visit to see the site.

AAB packet page 53 Option C- ramp and long walkway to get to station platform. They propose connecting stairs.

First request question 7 auditorium front entrance 25.1 and 20.2. HR should they come in for a hearing? In favor of a site visit when the weather is better

*HR motioned to request a hearing and settle a date for a Board site visit to look at Green Line station area. AB seconded, passed unanimously*

RG arrived

2) Scituate Library, 85 Branch Street, Scituate (V17-335) (C17-054)  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
Variance in response to complaint. There are three citations in the complaint, one has been resolved. They asked a question of which side the access aisle should be on. TH -passenger side. Remaining issue is the walkway is greater than 1 in 20 running slope leads to library entrance from Branch Street. Climbs 18 feet. Asking first if their understanding of topography exemption applies or give us a variance. HR - if the exemption doesn't apply do they show accessibility solution? TH - they are still working on a solution. HR - should they submit an amendment to the variance? Handrails may be the solution. The project is over 30%.

*DG motioned that they don't meet the topography exception. AB seconded, passed unanimously.*

*DG motioned that the petitioner implement one of the three options that make entry accessible or amend the variance application. The board suggests option alternate 3. RG seconded, passed unanimously.*

3) Beaver Country Day School, 791 Hammond Street, Brookline (V17-336)  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
Independent school with grades 6 -12. Project is a reconstruction / addition. Spending is over 30%. The petitioner is seeking relief from 14.6, they are proposing an outside route from the auditorium venue to an elevator that stops at stage level. Confirmation of signage. They are only asking about the stage. They don't show the entire auditorium.

*DG motioned to continue and ask for an auditorium layout with accessible seating and aisles. After this is received, the Board will make a determination of access to the stage. PM seconded, passed unanimously.*

4) New 13 Story, 190-210 Pier 4 Blvd., Boston (V18-001)  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
The project is new construction of 13 stories with 2 levels of subgrade parking, restaurant and retail on 1<sup>st</sup> floor, 12 floors of office space. New construction 3.2. The petitioner is seeking relief from 30.6.2 alternate stall depth. It is currently 60", already completed in women's rooms. ADA allows 60". The work is already done.

DD left the room.

*RH motioned to deny and request drawings for women's room showing them to be compliant with 30.6.2 and cost estimates. RG seconded, passed unanimously.*

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

5) Mexicali Sushi, 199 Summer Street, East Boston (V18-002)  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
Spending on the project is \$36,000.

DD came back to the room.

Proposed single user bathroom 58 x90 variance relief is for dimension off 14 inches. Proposing a pocket door. Request is for size of the bathroom. It is tight but it is usable.

*DG motioned to grant as proposed. PM seconded, passed unanimously.*

6) Pilgrim Church, 25 South Main Street, Sherborn (V18-003)  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
The project is reconstruction and remodeling. A building official discovered a ramp connecting two levels of church. The ramp folds down. Only 1 handrail on main entrance and there are bathroom items. The church installed an incline lift without showing us. First variance they are seeking is to install a second handrail but it will limit the width to 43 inches, 24.3.

*1) RG motioned to grant as proposed on 24.3. DG seconded.*

26.6.1 – The front of the church slopes at the door close, to 2.6 %.

*2) AB motioned to grant as proposed on 26.2.1. RG seconded, passed unanimously.*

20.3 - Second level corridor access aisle to lift. They are proposing to remove the radiator to widen it.

*3) DG motioned to grant as proposed on 20.3. AB seconded, passed unanimously*

18 inch center line they have 14 inches.

*4) DG motioned to grant as proposed. AB seconded. Passed unanimously.*

Incline lift they put in in themselves. 28.12.4 asking for permission to install incline lift. HR if they didn't install the incline lift, there would not be any connection. They would have to do something to make it work. Should we suggest a safer solution?

*5) DG motioned to grant as proposed on 28.12.4. RG seconded, passed unanimously.*

7) Francis R. Carroll Plaza, 551 Main Street, Worcester (V18-004)  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.

WW left the room. DD chaired the meeting.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

New entrance constructed at ground floor tenant. They are proposing a temporary solution so crosswalk and street lamp can be moved. Once done, permanent solution will be installed. Plaza work done end 2018. The petitioner is requesting a time variance to put in the temporary solution and when project is done it will be wide enough.

*DG motioned to grant as proposed. RG seconded, passed unanimously.*

8) Boston Beer Company, 60 State Street, Boston (V18-005)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

First floor tenant proposing to add a second floor. Renovation of former restaurant adding second floor, elevator and outside patio. Propose to rebuild stairs with compliant handrails. Leads up to level, then 5 more steps to patio. Proposing there is a ramp off the patio for top plaza. Elevator access in the restaurant, can go out to patio and exit patio off of ramp. Relief for stairs shown in drawing.

*HR motioned to grant as proposed with the condition there is appropriate signage showing accessible route. DG seconded, passed unanimously.*

WW came back to the room.

9) Simches Pavilion, Carby Street, Westwood (V18-006)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Hale reservation. Letter asking to waive the two week.

*DG motioned to waive the two week waiting period. PM seconded, passed unanimously.*

The petitioner is seeking a time variance to open buildings for first program year with city of Boston education program. Outdoor based expeditionary school. Two buildings, one is the pavilion with toilet rooms in the adjacent building. The petitioner has been told they need a bathroom in the pavilion building. Asking for a time variance to install bathrooms in the pavilion building. Asking for a time variance because they cannot install in two weeks. 60 day temp variance.

*RH motioned to grant a 90 day time variance with the condition of additional temporary signage to show where the accessible bathrooms are. PM Seconded, passed unanimously.*

10) The 1620 Winery, 55 Cordage Park Circle, Plymouth (V17-315)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

At last review, the Board continued for the petitioner to meet with AAB and provide additional information. Met with TH, there are no stages and haven't built mezzanine. All about entrance into building. Request is for relief to the entrance. The ramp is already built. The other entrance down from ramp goes into function room. 25.1. Bill shine gave us a report. Ramp is compliant. Door on toilet rooms swing in.

*HR motioned to grant as proposed on the entrance. RG seconded, passed unanimously.*

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

11) Retro Fits at Various Locations, Avon, Swansea, Brockton, Holbrook, Whitman (V17-326)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

*DD motioned to continue on V17-326 and V17-327. DG seconded, passed unanimously.*

12) Ramps at Various Locations, Auburn, Framingham, Gardner, Marlborough, Milford, Oxford (V17-327)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

*DD motioned to continue on V17-326 and V17-327. DG seconded, passed unanimously.*

13) V17-323 Zion Church

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents

Reconstruction project. AAB jurisdiction trigger when first presented was \$100,000 rule. The petitioner is seeking three variances. The Board previously voted for TH to meet with the petitioner. TH met with project manager. They need relief from many issues. People have to go outside building.

*DG motioned for a hearing. DD seconded, passed unanimously.*

14) Hillcrest, Pittsfield, 400 Columbus Ave.

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The case was previously heard. The petitioner submitted a request and a status report. Exterior ramp not built, the petitioner is requesting relief from a permanent lift to stage now portable lift, and also requesting a time variance.

*DG motioned for a hearing. DD seconded, passed unanimously.*

15) V17-288 Bishop Fenwick, Peabody

The petitioner is seeking 5 time variances. The Board previously voted to continue for a meeting. TH met with the architect. Toilet rooms, door hardware, 14.6 stage access, 14.2, items not funded.

*DG motioned for a hearing. RG seconded, passed unanimously.*

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

## Hearing

11:00am - Brookline Dental Specialist, 21 Longwood Avenue, Brookline (V16-333) –  
Fine Hearing  
RG, DD, WW, PM, AB, DG, RH

Myra Berloff  
Saralynn Allair (appeared but did not give testimony)  
Farzinki Ani (FA)  
Vikas Saini (VS)

The chair swore the parties in.  
Exhibit #1 AAB1 – AAB51  
Exhibit #2 letter from Lowne Institute to TH.  
Exhibit #3 Information on quotes

The renovations the dental specialist did were over 30%. Issues with vestibule. Board's decision AAB 51, granted relief for the dental office for two doors in series with auto door openers. The work has not been done yet. The Board supported a temporary certificate of occupancy. Requirement to meet with the owner of building regarding work triggered for Lown Institute, (building owner) on second floor, to look at options for vertical access. The Board received a letter from Myra Berloff complaining that the work has not been done regarding the door openers.

VS – Owner. We decided that the quote included for upstairs access was surprisingly large and more than anticipated. Obtained and extension for additional quotes. Here to report on the results of quotes.

VS - The letter addresses our obligations regarding upstage. I sent an email to downstairs for downstairs access. I asked him to hold off because quotes suggested had to redo entrance and put in shaft on other side. He responded that temporary certificate of occupancy will expire soon. I told him to get an extension. He got the extension. For a chairlift the lowest bid was \$98,000 with low bid on construction. We couldn't follow up with them. \$200,000, full elevator \$150,000 – 200,000.

WW – Are you requesting another variance?

VS - Yes, our usual business has no interaction with public. Most work we do as conferences away from the office.

TH – Yes. The owner of building would have to submit his own application for 28.1. I had verbal communications regarding quotes.

TH- Have you looked at cost of auto doors?

FK – We were here in June 2017 went back and forth. You issued your ruling. Our intention was to comply. I obtained two auto door openers quotes. 11,000 for two. Intension was to adhere with ruling. We are a tenant with a lease agreement construction needs ok. They advised us to go to town of Brookline to get an extension on co as we are dealing with a larger issue. We got a 6 month extension to march. We received November letter stating we are not in compliance. We had full intension to adhere to ruling. We have no intension of not complying. MB – neighbor has a daughter that cannot get into the building. The auto door openers are not on. There is a sign that says use other door. Slope at front door of dental office is really steep.

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Depending on where auto door opener is placed you would have to push the door on slope then roll back and up. A platform has to be built that is level. It is primary entrance to dental office. Right now I came because I was surprise they couldn't get in.

VS - There is no mention of handicapped on the sign. The issue of handicapped was discussed with town of Brookline. Bathrooms are large. We are accepting the responsibility.

MB- It is critical where door openers are placed.

HR – Do you have any objection to door openers?

Vs - No, no issue.

FK – he was not objecting at all. He was asking to address their issue with AAB first.

HR – it was your decision to not put them in.

FK – it was advisement from landlord to delay putting them in.

HR – did you realize it was contrary to the decision of July?

VS - I thought the c of o ???

HR – did you think the temporary certificate of occupancy offered by Brookline would replace the variance?

VS – No

HR – HP spot. When can it be installed?

VS - I would say that we have had a spot.

WW- How many parking spaces do you have?

VS – 17

HR – How long to get a spot?

VS – I don't think it wouldn't be long.

HR – MB if the door openers and HP put in in 30-60 days would it work.

MB – Yes.

DG – Is there a reception?

FK - Yes there is

DG - When you got quote did you talk to them about the location?

FK – I did not talk specifically but I leave it to them.

DG - Confirm they will make it usable. Should have come back to us for a deadline. Vertical access, is it because front entrance isn't accessible or you don't want to put in access.

WW - We will need another application from the owner of the building.

PM – The entrance plan. It isn't in the package. Get a shop drawing form the company installing the auto door buttons.

WW- we don't want you to put it in the wrong place.

DD - We often find the owner and tenant point at each other. Access isn't better now. The time is now to do the right thing. They are curable deficiencies. Put it on your website, maintenance plan for snow, policies and procedures. There are tax opportunities for the building owner.

VS - What is the typical time frame for vertical access.

HR – How to best handle the fine hearing. Should we continue and expose upon the completion of the hearing.

WW – we could continue until the application is received and hearing.

FK – If the variance is filled for upstairs it will effect at least 1 door opener.

HR – We don't know what the timing will be for resolution for second floor access.

*HR motioned to continue the fine hearing, and request a sketch drawing of location of door openers by March 1, 2018. With installation by April 1, handicapped spot installed by March 1, 2018. AB seconded, passed unanimously.*

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*DG motioned for building owner to submit an application for relief from 28.1 by March 1, 2018.  
HR seconded, passed unanimously.*

MB – The primary office to the dental office is why I showed up If the delay on secondary set of doors happens, perhaps the dental office doors don't have to be delayed.

FK – Fine hearing, are we still on the \$1,000 a day fine?

WW- We are not issuing fines today.

16) Office and Print Shop, 179 Bear Hill Road, Waltham V17-290 (Doug Anderson)  
At last review the Board voted to put a LULA in. The petitioner has come back with documents showing second floor is 6620 sf. New calculations of building floor area. The lift is proposed to serve a smaller area. Everything is accessible. The third level from outside is accessible. They are making an appeal. Have a letter from the owner. They are asking for the board to reconsider. They want to use a lift instead of a LULA.

PM – Should we continue and ask for more information on the lift?

DG - The lift doesn't go to the basement.

Affidavit for 2 small mezzanines stating it is employee only.

*DD motioned to allow the lift with the contingency there is an affidavit that mezzanine 100 and 102 are employee use only, first given to the Board and then registered at the Registry of Deeds with Book and Page number, and the lift is only used for passengers, not supplies, etc.*

*RG seconded, passed unanimously.*

17) Medford Housing Authority, Unit 71A and 71B Foster Court Medford  
Transient lodging subject to group 2B. March 2017 the case was first presented, kitchen and bath modernization of two units. Over 30%. Granted relief from water closet, hinged shower padding seat, wall cabinets, and refrigerators. Used for severely disabled individuals. An amendment was sent in asking for relief from having to modify in 71B, group 2 kitchen requirements cost \$25,000, proposing the A unit complies. Also asking for laundry room 10.8 and 45.4 in each unit. Project is subject to these two projects.

JH - Would anyone they employ be limited in what they can do because of this? The staff rooms they are seeking relief for closets, pantry, linen closets. Parking signs, van accessible.

DD – If they have other units with good accessibility...

RG – I wouldn't give them the parking. They also asked for water closet location. They wanted to move it 18 inches. They are going to provide 1 group 2b, want relief for laundry, in both units and handicapped parking.

*DD motioned to continue for more information. JH seconded, passed unanimously.*

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.



Hearing

1:00pm – Assaggio, 29 Prince Street, Boston (V17-059) – Variance Hearing

EXHIBIT #1 AAB 1-61

Frank DePasquale (FD)

Domenic Valente (DV)

HR, DG, AB, JH, WW, DD, PM, RG

The parties were sworn in by the Chair.

TH – This case originally came to the Board in February or March 2017. The Board granted relief to vertical access and bathrooms on the second floor. They were converting the second floor from apartments to restaurant. We issued a decision. Then we didn't hear from them. Mr. Schiavoni came to the AAB office and told about a proposed cooking school going in on the second floor. I spoke with Mr. Valente and he submitted another plan. We had a meeting. Mr. Schiavoni also submitted a plan that shows framing and material for the room. He was concerned there would be a roof deck. Mr. Valente and Mr. De Pasquale have denied and said it is not the intent. Cooking school. On the first floor they tried to duplicate services as they would have on the second floor. They would put in screens. They will have to reargue the issue of vertical access to the second floor due to the significant change. AAB 3 is the most recent version and it has changes.

FD – We have plans to do a cooking classes. I have other restaurants and wanted to give a different twist. People participate in classes. I spoke to Mr. Schiavoni and his wife, they thought I was going to be doing a roof deck. I spoke to the pastor of the church, he came to meetings to support me. There is no roof deck. I have no intentions of putting in a roof deck. I decided to change everything and not do cooking classes and go along with original plans and use as originally planned. Trying to make the North End a better place. I will do additional seating upstairs, a bar and seating. We did promise have seating for anyone handicapped for the first floor and handicapped bathroom.

DV – I would like to show Schiavoni's drawing. The framing not for roof says floor framing. Not a roof deck. Mr. De Pasquale made change to just add seating. AAB 3 latest final plan.

FD – It is less expensive to do it this way. I thought I was doing something good for the North End. I am happy to say Mr. Wynn voted for me to have the Italian restaurant in the casino.

HR – AAB3 this is the plan of submission. Ground floor has auto door.

DV – Yes

HR – lower floor can people with disability get to lower floor

DV – No

DG – Do you have events?

FD – No

AB – You don't have any plan of getting upstairs.

We have already granted it.

PM – Would you consider accessible seating at the Bar.

DV – The bar equipment.

TH – Not required.

DD – You do have other locations may be indicate which one will be better for people who need accessibility?

DV – We have a restaurant a block and ½ up the street that is totally accessible.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

DD - We have met with north end restaurants.  
RG - Accommodation plan for first floor reserved seating.  
DV – There is a table there reserved.

*JH motioned to accept the plans in front of us today as presented with the changes, and with the accommodation police for first floor reserved seating published on materials and on the restaurant's websites.*

*AB seconded, passed unanimously.*

18) Falls Elementary School, 2 Jackson Street, North Attleborough (C17-034)  
Exhibit – Variance Application, letter from the superintendent and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
This case was a hearing and the Board ordered them to tell us how they were going to fix the routes on the playgrounds. On 12/26 they provided a letter from superintendent of schools. They sent the board options. Wood fiber. Fall zone regulations are not being met.

*HR motioned that either plan 1 or plan 2 is acceptable to the Board.*

*PM seconded, passed unanimously.*

19) Goethe Institute, 170 Beacon Street, Boston (V17-213)  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application, elevator study and associated documents.  
28.7 They had a differently shaped elevator we asked them to see if they could put a wider door. They did the study and elevator survey and found it would be difficult to change the size of the door. 5 stories. It would also involve putting in manual gates. They currently have sliding doors. 230-260 to try to modify it and would trigger full modification of equipment. Involves a variance from us for the cab size to allow as is 28.7. Depth is 33 ½.

DD left the room.

*DG motion to grant relief from 28.7 as proposed. AB seconded, RG opposed.*

DD came back to the room.

Hearing

2:00pm – Worcester State University Wellness Center, 486 Chandler Street, Worcester  
(V17-302) – Variance Hearing  
Exhibit #1 AAB – 1 - 65

Bryan Thorp (BT)

The party was sworn in by the Chair.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

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HR, DG, PM, JH, WW, DD, RG, AB

BT – Background - The project is a 100,000 sq ft wellness center, exercise rooms and class rooms, locker rooms. It is on two floors situated in the center of the campus. AA17 or 19 site plan of the project. Pg 20 shows layout on main floor level 1, following page shows upper floor. Regarding the variances we seek there are 4 items. Had a survey done by Kessler McGuiness. DCAM addressed issues. There are 4 items.

First one is noted on AAB 11 –

AAB27 and 28 shows where it is located. A pair of doors that leads from main circulation hallway. The doors in the original design they did not have a .....between them. The client wanted to add a card reader at the door. When we installed reader, we installed an astral dome to provide latch component. A fixed lock set in that position. We missed that it reduced the clear opening dimension s by ½ inch per door. Stuck in the corridor with the width. The cost was explained anywhere from 144,000 – 72,000. Concerned about the door opening fully.

Removing the astragal .....

WW- does that door open 90 degrees

BT - It does open a little more than 90 degrees . The corridors are 6 foot 4.

WW – it is not just a ½ inch short it is the thickness of the door and the hinge.

BT - The door has a three foot leaf. 6 foot opening for the frame. It is the dimension off of the astragal.

WW – does it have something on top and bottom to secure it? Do they open on auto door openers?

BT - I am sure they could. That would be part of the problem. Would have to coordinate with the security piece. We looked at it. It is still 31 ½ inch issue.

WW- If you install auto door openers meet requirement of security system might be less expensive.

Ray can you get through 31 1/21?

RG - It is doable.

HR – the cost to make floors compliant 178,000?

TB 144,000.

RH – Urge the board to have the width made compliant.

DG - Is there electricity in the removable astragal?

BT - It can be removed.

DG - Students, not the general public use the area.

PM - Did you study moving the astragal to one side?

BT – I would run into egress compliance issues. It would be another possibility. You can put the functions to the larger leaf. Would have to change out the hardware completely.

Didn't look specifically at that.

DD – with this it is retrofitting. As long as we feel people will be accommodated. Then let's do it.

RG - Barley doable. Favor they have one wide leaf and one narrow leaf.

*1) HR motioned to deny the request and require the petitioner to provide additional info on potential ways to provide compliance. RG seconded, passed unanimously,*

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**Request Number 2**, AAB 12, illustration 29 – 30. Locker room on the second room. Day lockers. Construction error dimensions less than 18 inches. We have a situation one side the door is tight against the wall on the entrance into the space. There is a little space to the side of the door frame. The door closer to the wall furthers in the space. We have a situation ½ inch short clearance on pull side of the door.

From a cost perspective we would have to rework case work. Can't move the door. If we have to move the wall to accommodate would have to rework bank of lockers. From cost point 114,000- to relocate the wall. Install auto control button 100,000.

DG – how many lockers, what is your occupancy?

BT – ½ lockers, transient population.

*2) AB motioned to grant as proposed. DG seconded, passed unanimously.*

### Item 3 Shower Stalls -

AAB 25 – shows most of the locations. AAB 13 text summary. Toward back of packet AAB 55, 56, shows alternative compliance.

The building has 13 locker rooms. Team locker rooms. We received a plumbing board variance. Unisex locker rooms depending on the season. In planning for space, the standard stalls 36 x 36, showers were made over sized by 4 inches.

WW- what is the down side?

BT - The 36 inches is for reach. It was not on my radar. We have an accessible bench but it is 4 inches away. Reach might be limited. The controls are located directly in the front. Issue is one of accessibility to the controls. We looked at different options. Alternative benches, we couldn't find compliant piece. Custom benches would require us to go before plumbing board. No approved bench to be deeper enough for the 40 inches. Tried moving the controls but in many cases there are blocked walls. We looked at a third alternative, building a knee wall built out from existing wall. Push seat out 4 inches. From maintenance point of view school didn't like it. Cleaning problem. I have a letter on AAB 16, spoke to university about providing seats, managing the locker rooms. Is team has someone who needs the seats... not everyone would have a problem with the 40 inch reach. Could bring in transfer seats to those who need them. Will have some on hand.

HR – Have they picked out the type of seats they will use? They are dangerous.

Urge the board to deny and ask the university to spend \$\$ to fix this.

JH – When you have the control of the water, we can reach in before we step in. If I am in a situation that I have to be in while turning, it could burn. Consider or investigate putting the controls outside the shower.

DG – is there anyway, some are back to back can you put in a 36 x 36?

BT - we did look at that, it would require pulling the walls down, have to plumb and put blocking in. We didn't explore completely. It wasn't just the cost, it was the level of obstruction.

DD – The proper way to do it would have been before it was built. To go back in now you are dealing with a lighter form of disability. The larger issue is not just for this petitioner. Unless you have a universal design....

My second point is participation comes in all different ways. To me it is which you want to engage. If we hold them to everything we need to make the determination.

RH - To prevent injury it seems as a no brainer to me.

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RG – I am very concerned. The design option, design flaw, is your firm on the hook for this errors and omissions? Was it built per speck?

BT - I don't know the answer. In the planning we were following universal design. We wanted to provide accessible locker rooms. Could look at the percentage and potentially modify part of it. Not every locker room will be accessibility. They have been designed to be accessible space if we modify this showers we could go back and look at what percentage should be accessible. They ones we don't do anything to wont be accessible lockers. We could leave the benches in the oversized showers and they would not be technology accessible.

BT – The board is ok with reducing the numbers?

WW- You only to make what 521 CMR says accessible.

*3) PM motioned to deny and continue and require an analysis for amount of accessible showers required for locker rooms. JH seconded, passed unanimously.*

#### Issue 4

They shifted the clear floor area in the front of the shower. AAB 38 and AAB 13 explanation. Oversized shower stall in this location. We would have to relocate controls, bench and all components associated with the stall. We have a fairly open space in terms of turning and 6 foot clearance. Access affords the person the ability to reach the controls. Still has the issue of the size of the shower.

WW - These may not need to be accessible stalls.

BT - There are two different types of locker rooms. I think it would be appropriate that one of each be accessible. Within the two types of locker rooms I would still want to arrive

*JH motioned to deny the variance request and to suggest that the petitioner go back and revisit the plan and present to the Board alternative suggestions that have come up today.*

*RG seconded, passed unanimously*

Clarification BT – from what I received today, once I put together a revised proposal for the university...

TH - Submit it to me and I will represent to the Board.

Hearing 3:00pm – Savage Field, 36 Vale Street, Clinton (V17-295) - Variance Hearing

Exhibit #1 AAB 1 - 45

EXHIBIT 2 – letters of support.

Jason Laganolli (JL)

Emily Easterling (EE)

Matt Varakis (MV)

All parties were sworn in by the Chair.

HR, DG, AB, PM, JH, WW, DD, RG

MV – In October we put in request to build a press box to enhance the experience for the children and host tournament.

JL – We submitted the request and as part of that, we created these books and submitted to other organizations. I went to meet with the additional folks. We are not experts on the matter. We

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

have learned quite a bit. There are quite a few restrictions around the property. We are down to 112 sf. Tennessee gas pipeline on one side. During the conversations with building inspector, and Mike Kennedy, etc. they wrote letters. I would like to submit as an exhibit.  
EXHIBIT 2 – letters of support.

HR left the room.

WW read the letters into the record.

Building department letter

Problems, 1 ramp, 2 State funded road, 3 cannot construct to right side gas line, 4 – flood plan, 5, zoning violation to place anywhere else. 6 adding lift elevator will be 4 times the cost of the project. Suggest asking the AAB for a variance.

Center for living and working letter – Mike Kennedy cost is \$7,500, labor done by local contractors on volunteer basis.

Has to be 5-6 feet high due to flooding, needs to be 10 feet away from gas line, topography supports brand new sidewalk, lift or ramp would block access to emergency vehicles, cost prohibitive,

Vertical access to 1500 sf is impracticable and cost prohibitive. Willing to support variance request.

Town of Clinton commission on disability – many constraints exist.

Environmental and financial restrictions. The commission supports the variance.

JL – AAB 18 gives background.

MV – Pass through to get to kids, there is no option to block this off.

HR came back to the room.

JL - On diagrams showed where the press box would be.

WW - Where would they come from the street

EE - The layout of the property – the photo on AAB 22 shows the renovation plan. We put together 1 mill plan and completed first phase of plan. The parking lot is being bid out and will have hc parking. We have a parking lot we do not own but there is a set of bleachers off of it.

JL – AAB 39 is from home plate area to where the press box would be. AAB 40 is from sidewalk

AAB 41 the fence jets out a little bit. AAB 42 view of space and embankment. AAB 34 from embankment, little yellow flags. AAB 44 – pipeline. We are requesting an easement from Tennessee pipe line.

WW- Where would emergency responders go to?

JL – AAB 43 shows emergency access, it is a dirt parking lot.

MV – we hoped to have a bigger press box but Tennessee pipe line told them they couldn't do it so they are down to 112 sf.

JL - We don't have the physical space and that is why we are asking for this request. We have done everything that we can.

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WW – have you thought about an accommodation policy? If someone who needs accessibility needs to use it?

MV - It is a reasonable question. As a little league we have not considered that.

WW - Another question. What is your inventory of other press boxes in the town?

We might ask you to look into this. If we were to do it would be a first. We would need some sort of accommodation policy inventory of other press boxes in the town that offer the same experience.

EE - In terms of making accommodations, a lot of the stuff is portable and can be set up in another space.

WW - The press box is elevated and it is a different experience.

JL - It is in a valley. The sidewalk is elevated.

MV - I understand accommodations. You asked us to provide evidence and talk about our structure. I believe those two things have been proven. 112 sq. ft.

AB – board has never approved a press box.

TH - We have allowed press boxes to be accessible on the first level. We don't require access to the filming platform.

PM - The building inspector letter said you will probably need to build higher. Number 4. What will the new elevation be?

JL - The building was originally on the ground and a two story. He means that we need to go up 4 ft to get out of flood plan.

AAB 13

PM - Who will be using press box?

MV – Officials, board members. You can't host a tournament if you don't have a press box. We can't bring these events to the town. It would bring money into the town. We will have electricity, window and a sound system.

JH – I use to manage a little league. Your letters of support are very strong. Need to be clear of what to provide for reasonable accommodations.

WW - AAB 18 this showing gas easement line going through press box.

JL - We are requesting an easement.

JL - This is our final hurdle.

MV – Town is supporting.

DD - To me this is a denial because if we allow this every community will be coming to us.

Why isn't the town here? How many other fields, when was it renovated. I know you say you aren't excluding people but you are. This is a town owned field.

MV - The town supports this.

JL - Is it the board's job to set precedent?

WW – We weight every individual case. We do not set precedent. I am leery of making exceptions for press boxes.

MV - We took the time to come to you.

TH - Towns put up press boxes that are not accessible. The regulations are clear it is required.

EE - The property has not been touch in 20 - 25 years. We worked for 5 years to make it accessible. It is an expensive project everything won't be done at once.

RG - This is a small but complicated project. Take under advisory.

*RG motioned to take under advisory. DD seconded, passed unanimously.*

January 22, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

JL - There are certain accommodations that we spoke about, let us know.

WW - We need some back up documentation for when other press boxes come to us and say what about our press box.

MV – The Clinton little league is making this request. Can we actually build it? We can't build it the way we wanted because we don't have the space.

DD left the meeting for the day

Are there any other little leagues in town? If so do they have press boxes?

Is it the town of Clinton or the little league?

Feasibility study on putting a ramp where stairs are now.

Flood plain construction rules.

*HR motioned to continue for a feasibility study of a ramp instead of a set of stairs. In regards to the strict requirements of a ramp, the petitioner should apply for a variance. Also, the Board requests a copy of the Gale Associates plan for the town. RG seconded. Passed unanimously.*

Minutes from the January 8, 2018 meeting

*JH motioned to approve the minutes from the January 8, 2018 meeting. AB seconded, RG abstained. Passed unanimously.*

The following cases were not reviewed due to time restrictions.

Handicapped Parking, 945 Washington Street, Stoughton (C14-110)

Wellesley College – Keohane Sports Center, 106 Central Street, Wellesley (V14-140)

Wellesley College – Schneider Ctr. Building, 106 Central Street, Wellesley (V14-141)

Wellesley College – Pendleton West, 106 Central Street, Wellesley (V15-129)

Mixed – Use Building, 40 Berkley Street, Boston (V16-266)

Stearns Tavern, 140 Mill Street, Worcester (V17-272)

Jefferson Hills, 1610 Worcester Road, Framingham (V17-337)

#### Advisory Opinion

- William Flynn, Jr. M.D. - Parking, Medical Building, 22 Mill Street, Arlington

January 22, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.



Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 4:45 p.m.

Exhibits

Scituate Library, 85 Branch Street, Scituate (V17-335) (C17-054)

Exhibit – Variance Application and associated documents

Beaver Country Day School, 791 Hammond Street, Brookline (V17-336)

Exhibit – Variance Application and associated documents

New 13 Story, 190-210 Pier 4 Blvd., Boston (V18-001)

Exhibit – Variance Application and associated documents

Mexicali Sushi, 199 Summer Street, East Boston (V18-002)

Exhibit – Variance Application and associated documents

Pilgrim Church, 25 South Main Street, Sherborn (V18-003)

Exhibit – Variance Application and associated documents

Francis R. Carroll Plaza, 551 Main Street, Worcester (V18-004)

Exhibit – Variance Application and associated documents

Boston Beer Company, 60 State Street, Boston (V18-005)

Exhibit – Variance Application and associated documents

Simches Pavilion, Carby Street, Westwood (V18-006)

Exhibit – Variance Application and associated documents

Medford Housing Authority, 71A and 71B Foster Court, Medford (V17-041)

Exhibit – Variance Application and associated documents

Falls Elementary School, 2 Jackson Street, North Attleborough (C17-034)

Exhibit – Variance Application and associated documents

Forest Hall Annex, 8 Sullivan Road, Wellesley (V17-129)

Exhibit – Variance Application and associated documents

St. Marks at Hillcrest, 400 Columbus Avenue, Pittsfield (V17-165)

Exhibit – Variance Application and associated documents

Goethe Institute, 170 Beacon Street, Boston (V17-213)

Exhibit – Variance Application and associated documents

The 1620 Winery, 55 Cordage Park Circle, Plymouth (V17-315)

January 22, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Exhibit – Variance Application and associated documents

Retro Fits at Various Locations, Avon, Swansea, Brockton, Holbrook, Whitman  
(V17-326)

Exhibit – Variance Application and associated documents

Ramps at Various Locations, Auburn, Framingham, Gardner, Marlborough, Milford, Oxford  
(V17-327)

Exhibit – Variance Application and associated documents

Somerville High School, 81 Highland Avenue, Somerville (V17-334)

Exhibit – Variance Application and associated documents